

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

HEYMAN WOODS
DOC # 132963

VS.
RICHARD STALDER

CIVIL ACTION NO. 06-1919

SECTION P
JUDGE DOHERTY
MAGISTRATE JUDGE METHVIN

ORDER

_____ Before the court is a *pro se* civil rights complaint filed by plaintiff Heyman Woods, LDOC # 132963. Plaintiff is an inmate in the custody of Louisiana's Department of Public Safety and Corrections (LDOC); he is incarcerated at the Claiborne Parish Detention Center, Homer, Louisiana, however, when he filed his complaint he was incarcerated at the St. Martin Parish Detention Center (SMDC), in Breaux Bridge. He named LDOC Secretary Richard Stalder as defendant and prayed for an order directing the Secretary to have plaintiff examined by a dentist, a doctor, and a psychiatrist "...to be tested for contagious disease..." and to have his teeth cleaned and fixed. Plaintiff moved for *in forma pauperis* status pursuant to 28 U.S.C. §1915. [docs. 2 and 5] On November 22, 2006 his motion was granted. [doc. 7] Further review of the court records of the United States District Court for the Middle District of Louisiana reveals that since his incarceration, Woods has filed numerous civil rights lawsuits and, at least three of those complaints were dismissed as frivolous.¹

¹ See cases cited in *Heyman Woods v. Diana P. Simon, et al.*, Civil Action No. 06-cv-0091, United States District Court, Middle District of Louisiana, at doc. 3, footnote 1, "A list of cases dismissed as frivolous or for failure to state a claim include: *Heyman Woods v. Parole Board*, CV 03-1038-B-1 (M.D. La.); *Heyman Woods v. Fred Y. Clark*, CV 04-104-B-2 (M.D. La.); *Heyman Woods v. Olivia Heatly*, CV 04-437-D-2 (M.D. La.); *Heyman Woods v. Olivia Heatly*, CV 05-70-B-3 (M.D. La.); and *Heyman Woods v. Linda Ramsey*, CV 05-271-C-1 (M.D. La.)."

28 U.S.C. §1915(g) provides:

In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

Plaintiff is well aware of this provision. It has been invoked to deny him *in forma pauperis status* in at least one lawsuit filed in the United States District Court for the Middle District of Louisiana. See *Heyman Woods v. Diana P. Simon, et al.*, Civil Action No. 06-cv-0091, United States District Court, Middle District of Louisiana.

Plaintiff's present claims are difficult to decipher. He alleged that he had been incarcerated at the SMDC since June 12, 2006 and that during the period between that date and the date he signed his complaint, September 28, 2006, a period of just over three months, he had not seen a physician, dentist or psychiatrist. He did not claim that he was ill when he filed his complaint and he did not allege or otherwise suggest that he was "...in imminent danger of serious injury..." In subsequent correspondence, plaintiff requested recalculation of his release date and reimbursement for community service performed during an unspecified period of parole supervision. Again, nothing in these documents suggest that plaintiff is in imminent danger.


In short, plaintiff is not eligible to proceed *in forma pauperis* in this matter. Therefore

IT IS ORDERED that plaintiff's *in forma pauperis* status [doc. 7] is hereby **REVOKED** and **RESCINDED**;

IT IS FURTHER ORDERED that in order for this complaint to remain viable, plaintiff must pay the full filing fee of \$350.00 within twenty (20) days from the date of this order.

**FAILURE TO PAY THE FULL FILING FEE WILL RESULT IN THE PLEADINGS
BEING STRICKEN FROM THE RECORD.**

Signed in chambers on March 26, 2007.



Mildred E. Methvin
United States Magistrate Judge
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